

Zoning Board of Adjustment Agenda: June 16, 2020

The Zoning Board of Adjustment of the City of Marion, Iowa, will meet **Tuesday, June 16, 2020 at 7:00 p.m.** for their regular monthly meeting. The agenda is as follows:

NOTE: Based on COVID-19 guidance from Linn County Public Health and the State of Iowa to limit the size of groups gathering, this meeting is able to be viewed online. To watch, go to Zoom.com, select Join a Meeting, and enter the Meeting ID #883-3907-4679. A link is also provided at www.cityofmarion.org. Audio only can be heard by calling 1-301-715-8592 and enter the same Meeting ID listed above.

Anyone who wishes to comment on an agenda item, including public hearings, may submit the question or comment to the Planning Division by 4:00 p.m. on Tuesday, June 16 via phone at 319-743-6320 or email abartlett@cityofmarion.org. Comments can also be provided during the Zoom meeting by clicking the Q&A option and entering your comment. All comments will be acknowledged during the meeting.

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES
 - a. Motion to approve the minutes as submitted from the May 12, 2020 meeting.
4. CONSENT CALENDAR
 - a. Motion to receive and file all correspondence from applicants and staff.
5. DAVID BESLER – CONDITIONAL USE (GARAGE)
 - a. Public hearing regarding a conditional use requested by David Besler pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located 1627 11th Street, Marion, Iowa.

ZBA Resolution No. 20-10 approving the conditional use request.
ZBA Resolution No. 20-10 denying the conditional use request.
6. OTHER BUSINESS
 - a.
7. ADJOURN

zoning board memo

DATE: Thursday - June 11, 2020

TO: Zoning Board of Adjustment

FROM: David N. Hockett, AICP
Principal Planner

RE: 5. David Besler - Conditional Use (Garage)

- a. Public Hearing regarding a conditional use requested by David Besler pursuant to Section 176.32-2B of the Marion Code of Ordinances to permit a detached structure to exceed 900 square feet located at 1627 11th Street, Marion, Iowa.

ZBA Resolution No. ____ approving the conditional use request

ZBA Resolution No. ____ denying the conditional use request

Per Section 176.36, the Marion Planning and Zoning Commission and Zoning Board of Adjustment of the Marion Code of Ordinances, the Zoning Board of Adjustment is the deciding body to authorize the granting of a conditional use. "Conditional uses are those uses having certain special or unique characteristics which require a careful review of their location, design, configuration, and impacts to determine the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending upon the consideration in each case of the public need, public benefit, local impact, and specific site plan of the proposed conditional use, all within the context of the intent and purpose of this ordinance and the Comprehensive Community Plan".

The Planning and Zoning Commission and Zoning Board of Adjustment may impose such conditions, including restrictions and safeguards, upon the property benefited by the conditional use as a considered necessary to prevent or minimize adverse effects upon other property in the vicinity or upon public facilities and services. Such conditions shall include a requirement that development be in accord with a site development plan approved by the Zoning Board of Adjustment. Such conditions shall be expressly set forth in the approval of the conditional use. Violations of such conditions shall be a violation of the ordinance.

Petitioner's Request:

The applicant, David Besler owner of property located at 1627 11th Street is seeking approval of a conditional use per Section 176.32 that provides approval of an accessory structure (garage) over 900 square feet. The City Council recently amended the City Code to regular accessory structure sizes after

numerous concerns were presented regarding large garages being constructed in residential neighborhoods. The amendment provides for larger garages through the conditional use process and design standards that require the garage to be constructed of similar materials and heights of the principal structure on the property.

The applicant had requested a conditional use for the approval of a 3120 sq ft garage at the May 2020 Planning and Zoning Commission. The commission recommended denial of the request due to the size and the non-compatibility of the garage within the neighborhood it was proposed to be sited within. The applicant withdrew the request prior to the Zoning Board of Adjustment (ZBA) action on the item and submitted a revised site plan / garage size to address comments from the Planning Commission.

Analysis:

The Planning and Zoning Commission and the Zoning Board of Adjustment shall render their decision of approval or denial based on the following review criteria (Section 176.36-6E) as established in the Zoning Regulations:

(1) That the conditional use applied for is provided in the zoning district within which the property is located:

The property is currently zoned R-2, Medium Density Single Family and was annexed to the City of Marion as a fully developed county subdivision. Construction of a garage over 900 square feet is permitted as a conditional use within the zoning district per the conditions established in Section 176.32. The proposed garage is a total of 1250 square feet, which is 350 sq ft over the permitted 900 sq ft without the need for conditional use.

(2) That the proposed use and development will be in accord with the intent and purpose of the Zoning Ordinance and the Comprehensive Community Plan:

The intent of Section 176.32 requires that any accessory structure proposed to over 900 square feet shall be designed in a manner that compliments the principal building including the use of similar material and color palate of the principal building and have a height that does not exceed the principal building on the lot.

The attached elevations show a multi-stall garage which includes what the applicant indicates are 3 stalls that are 10' x 22' which will be used for two residential homes on the property and an additional 30' x 18' garage for general storage space to support the maintenance of property.

(3) That the proposed use and development will not have a substantial adverse effect upon adjacent property; the character of the neighborhood; traffic conditions; parking; utility and service facilities; and other factors affecting the public health, safety, and welfare:

The garage is proposed to be placed in the southeast corner of the property and meets or exceeds all required setbacks for an accessory structure in the R-2, Medium Density Residential zoning.

It will have no impact on traffic, parking, utility and service facilities. The applicant is using an existing driveway, which will have to be improved with a hard surface (asphalt or concrete).

The proposed garage is similar in size to the largest garages in the immediate neighborhood. The applicant has indicated that the garage will have vinyl siding to color match the rear home which is a dark brown. Construction of the garage and will require inspections to ensure that the garage meets minimum building code standards.

- (4) That the proposed development or use will be located, designed, constructed, and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property:**

The garage is designed in a manner to support multi tenants on a property with the walls between stalls, as would be expected with most garages provided for tenant use. The larger garage portion (570 sq ft) at 18' wide is a small two stall width but with the additional depth makes it nice oversized two stall.

- (5) That adequate measures have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage, and similar facilities:**

The placement of the garage exceeds all setback requirements for an accessory structure in the R-2, zoning district and is not located within any utility or drainage easements.

Recommendation:

The Marion Planning and Zoning Commission reviewed the request and recommended APPROVAL of the conditional use request as submitted at the June 9, 2020 regular meeting.



MARION

Community Development

Planning Division

1225 6th Avenue, Suite 210

Marion, Iowa 52302

www.cityofmarion.org



MARION
Planning & Development

1225 6th Avenue, Suite 210, Marion, Iowa 52302

Phone: (319) 743-6320 Fax: (319) 373-4260

www.cityofmarion.org

Conditional Use Instructions and Application Notice of Appeal to the Zoning Board of Adjustment



CONTACT INFORMATION:

Owner: David Besler
Company Name if Applicable: Besler Renovations LLC
Address: 990 Alexis LN City, State, Zip: Marion, IA 52302
Phone: 563-543-8327 Fax: _____ Email: davebesler@hotmail.com

Applicant or Agent (if different from Owner): _____
Company Name if Applicable: _____
Address: _____ City, State, Zip: _____
Phone: _____ Fax: _____ Email: _____

Applicant or Agent (if different from Owner): _____
Company Name if Applicable: _____
Address: _____ City, State, Zip: _____
Phone: _____ Fax: _____ Email: _____

PRE-APPLICATION INFORMATION:

Have you attended a pre-application conference with Staff? Yes: ☐ No: ☒

If yes, date of pre-application conference: _____

If no, contact the Planning and Development Department at 319-743-6320 or email Ama Bartlett at abartlett@cityofmarion.org to schedule a pre-application conference prior to submittal of the application. Failure to conduct a pre-application conference may result in processing delays of your request.

PROPERTY INFORMATION:

Property Address (if different from Owner Information): 1627 11th St
Legal Description: A P 324 LOT 1 & E1/2
Lot Size: 250 x 176 = _____ Square Feet (or attach a copy of Plat)
Zoning District: RESIDENTIAL Present Use of Property: Two single Family Rentals
City Code Section regarding Conditional Use: _____



Conditional Use Instructions and Application

Notice of Appeal to the Zoning Board of Adjustment

GENERAL DESCRIPTION OF REQUEST:

SITE PLAN:

Have you attached a site plan? Yes: ☒ No: ☐

Please remember a site plan must be submitted and be to a reasonable scale. If you should require assistance please contact the Planning and Development Department.

IMPORTANT DATES AND TIMES:

- Zoning Board of Adjustment Deadline – Last weekday of the Month – 4:00 p.m.
- Zoning Board of Adjustment Regular Meeting – 3rd Tuesday of Every Month – 7:00 p.m.

It is requested that the appeal be set for hearing by the Chairperson of the Zoning Board of Adjustment in strict accordance with the provisions of the Code of Ordinances of the City of Marion. Property owner signature is required.

Name: 
(Signature)

Date: 3-13-20



MARION

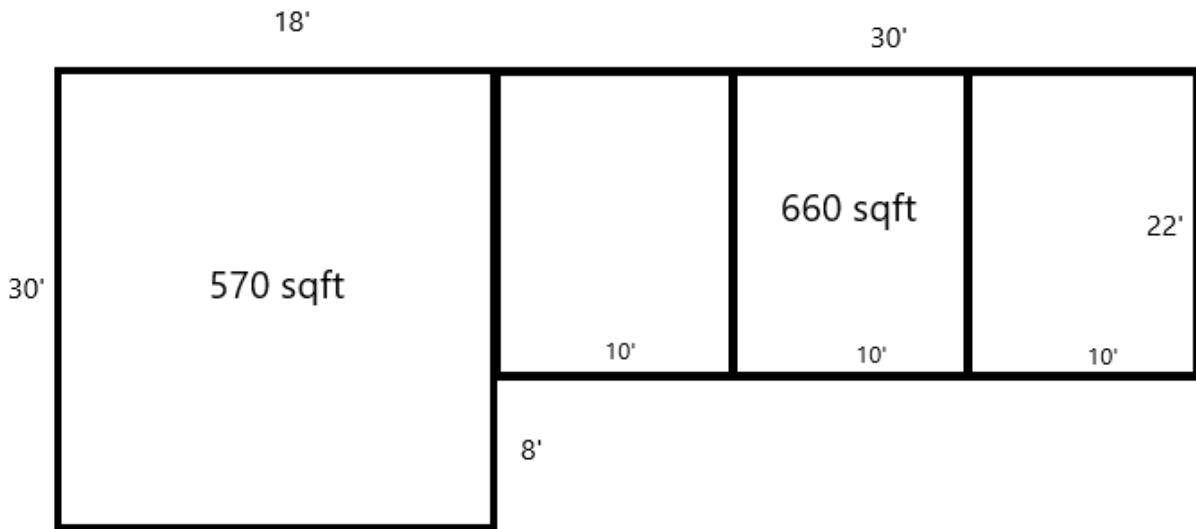
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arcn results for 3235 4th Street

